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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/014,870	12/14/2001	Kunio Hotta		1773

7590                    08/11/2003  
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FALLS CHURCH, VA 22041

EXAMINER
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DOAN, ROBYN KIEU

ART UNIT	PAPER NUMBER
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3732

DATE MAILED: 08/11/2003

5

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Offic Action Summary</b>	Application N .	Applicant(s)
	10/014,870	HOTTA ET AL.
	Examin r Robyn Doan	Art Unit 3732

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 09 June 2003.
- 2a) This action is **FINAL**.                  2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 9-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 9-15 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- |                                                                                              |                                                                             |
|----------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

Applicant's Amendment filed 06/09/2003 has been entered and carefully considered. Claims 1-8 have been canceled. New claims 9-15 have been added. Limitations of new claims have not been found to be patentable over newly discovered prior art and prior art of record, therefore, claims 9-15 are rejected under the new ground rejections as set forth below.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless—

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 9 and 11, 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Mochel.

With regard to claims 9 and 11, Mochel discloses an oral cleansing and hygiene device (fig. 1) comprising a holder body (1) having a working section (14) connecting to an interior of the holder body and an insert section (3) on an end of the holder body having an insert slot (10) with two clamp components (11a, b); a link rod (4) being a Y shape and having a floss bow section (7), the link rod comprising a rod body (12) on an end opposite the floss bow section, the rod body being removably inserted into the

insert slot and frictionally engaged by the two clamps; the floss bow having two floss expansion ends (8a, b), each of the floss expansion ends having a retaining notch (9a, b) for securing a floss material between the two floss expansion ends; the device further having a massage bar (fig. 6). In regard to claim 15, the device having a motor (17) and an accentric hammer (18).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mochel in view of Hallinder et al.

With regard to claim 10, Mochel discloses an oral cleansing comprising all the claimed limitations in claim 9 as discussed above except for the floss bow section having a securing screw and a securing rod. Hallinder et al discloses a dental floss holder (figs. 1-2) comprising a floss bow section (2) having a securing screw (68) and a securing rod (93) configured to fasten ends of floss material (66). It would have been obvious to one having an ordinary skill in the art at the time the invention was made to employ the securing screw and the securing rod as taught by Hallinder et al into the device of Mochel for the purpose of fastening the ends of the floss material.

Claims 12 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mochel in view of Kennedy.

With regard to claims 12 and 14, Mochel discloses an oral cleansing comprising all the claimed limitations in claim 9 as discussed above except for the clamps being elastic material and the massage bar being a horseshoe shape. Kennedy discloses a teeth cleaning device (fig. 1) comprising a horseshoe shape massage bar (col. 1, lines 40-42). It would have been obvious to one having an ordinary skill in the art at the time the invention was made to employ the horseshoe shape massage bar as taught by Kennedy into the device of Mochel for the purpose of massaging the gum and it would also have been obvious to one having ordinary skill in the art at the time the invention was made to employ the elastic material, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mochel in view of Imai et al.

With regard to claim 13, Mochel discloses an oral cleansing comprising all the claimed limitations in claim 9 as discussed above except for the insert section having an insert tenon. Imai et al discloses a dental floss holder (fig. 10) comprising a link rod having an insert tube (70a), an insert section having an insert tenon (40) being removably inserted into the tube. It would have been obvious to one having an ordinary

skill in the art at the time the invention was made to employ the insert section having an insert tenon as taught by Imai et al into the device of Mochel for the intended use purpose.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

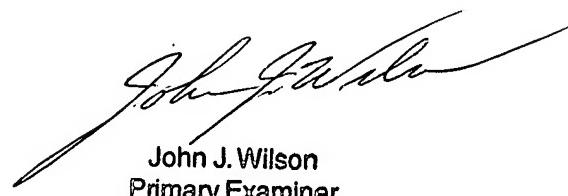
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robyn Doan whose telephone number is (703) 306-9182. The examiner can normally be reached on Mon-Fri 9:30-7:00; alternate Mondays off.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0858.



Robyn Kieu Doan  
Examiner  
August 4, 2003



John J. Wilson  
Primary Examiner